
APPENDIX A

Related Policies and Guidance

In addition to issuing policy and guidance documents that provide tools for managing CERCLA liability risks, EPA has issued various policy and guidance documents that promote faster investigation, cleanup, and redevelopment of sites. Summarized below is just a small sampling of the many policy and guidance documents that may be helpful to parties interested in managing CERCLA liability risks at brownfields and other sites.

Copies of the policy and guidance documents can be obtained from the Superfund Hotline ((800) 424-9346), the Superfund Document Center ((703) 603-9232), or on EPA's web pages (see page 3). In some instances, copies may be ordered from the National Technical Information Service (NTIS). Documents may be ordered by either writing to

NTIS
5283 Port Royal Road
Springfield, VA 22161

or calling (800) 553-NTIS.

Reference List

Background

CERCLA Orientation Manual

October 1992

The CERCLA Orientation Manual serves as a program orientation guide and reference document to the Comprehensive Environmental Response, Compensation, and Liability Act. The purpose of the manual is to assist EPA and state personnel involved with hazardous waste remediation, emergency response, and chemical and emergency preparedness. The organizational and operational components of the Superfund program also are described.

To order a hard copy:

National Center for
Environmental
Publications and Information
P.O. Box 42419
Cincinnati, OH 45242-2419
(513) 489-8190
order number: EPA542R92005

National Contingency Plan (40 C.F.R. Part 300)

The National Oil and Hazardous Substances Pollution Contingency Plan, more commonly called the National Contingency Plan (NCP), establishes a comprehensive process by which the federal government responds to both oil spills and hazardous substances. The NCP coordinates response efforts such as accident reporting, spill containment, cleanup, and personnel contacts.

Rules of Thumb for Superfund Remedy Selection

October 2, 1995

This document briefly summarizes key elements of various remedy selection guidance documents and policies, and describes the three major policy areas of remedy selection: 1) risk assessment and risk management; 2) development of remedial alternatives; and 3) groundwater response action.

Process

This Is Superfund - A Citizen's Guide to EPA's Superfund Program

"This is Superfund" introduces basic issues regarding the Superfund program. Topics addressed include how Superfund sites are discovered, and who pays for and is involved in cleanups. Key terms for understanding the Superfund program, such as potentially responsible party and National Priorities List are defined.

For more information on Superfund:

Call 1-800-424-9346
or
Contact the nearest EPA
Regional Office.

Community Reinvestment Act (CRA)

In 1997 Congress enacted the Community Reinvestment Act requiring lenders to make capital available in low- and moderate-income urban neighborhoods, thereby giving

rise to concerns over potential environmental and financial liability for cleanups at sites by lenders, developers, and property owners. The Community Reinvestment Act establishes creative initiatives for economic development while easing fears of financial liability and regulatory burdens.

For further information:

Outreach and Special Projects
Staff
(202) 260-6285

Partial Deletion of Sites Listed on the National Priorities List

November 1, 1995

EPA deletes sites from the National Priorities List with state concurrence when no further cleanup response is warranted under CERCLA. Historically, only entire sites could be deleted from the National Priorities List. Under this policy, parties may submit petitions for partial deletions to EPA. Additionally, the policy gives EPA regional offices the flexibility to clarify which areas

of National Priorities List sites are considered uncontaminated due to the completion of proper investigation or cleanup actions.

Before a portion of a site can be considered for partial deletion from the National Priorities List, it must meet the same deletion criteria that an entire site must meet. (See 40 *CFR* Part 300.425).

For further information:

Hugo Paul Fleischman
Office of Emergency and
Remedial Response
(703) 603-8769

***Guidance on Deferral of NPL
Listing Determinations While
States Oversee Response Actions***

May 3, 1995

The deferral guidance provides a framework for Regions, states, and tribes to determine the most appropriate, effective, and efficient means to address response at sites. Implementation is to be flexible so as to account for the different capabilities of these acting parties.

For further information:

Steve Caldwell
Office of Emergency and
Remedial Response
(703) 603-8850
or
Murray Newton
Office of Emergency and
Remedial Response
(703) 603-8840

***The National Priorities List for
Uncontrolled Hazardous Waste
Sites; Listing and Deletion
Policy for Federal Facilities***

November 24, 1997

This document establishes an interim final revision to the Agency's policy on placing federal facility sites on the National Priorities List. The interim final policy revisions apply to federal facility sites that are RCRA-regulated facilities engaged in treatment, storage, or disposal of hazardous waste.

For further information:

Hugh Davis
Office of Solid Waste
(703) 308-8633

***Policy Towards Landowners
and Transferees of Federal
Facilities***

June 13, 1997

This policy was created to address the potential liability concerns of non-federal parties who acquire federal facility property. Such acquisitions have become increasingly common with the reduction in size and number of federal facilities such as military bases. The intent of this policy is to alleviate uncertainty regarding potential enforcement action by the EPA against landowners and transferees (*i.e.*, lessees) of federal facility properties.

For further information:

Seth Lowe
Federal Facilities Restoration
and Reuse Office
(202) 260-8692

Bill Frank
Federal Facilities Enforcement
Office
(202) 564-2584

***EPA Guidance on the Transfer
of Federal Property by Deed
Before All Necessary Remedial
Action Has Been Taken
Pursuant to CERCLA Section
120(h)(3).***

June 16, 1998

This guidance, referred to as the “Early Transfer Guidance,” describes EPA’s process in determining a federally-owned property’s suitability for transfer to a private party prior to the completion of all necessary cleanup action. Concurrence of a state’s Governor is required.

For further information:

Federal Facilities Restoration
and Reuse Office
(202) 260-9924

Technical

***Road Map to Understanding
Innovative Technology Options
for Brownfields Investigation
and Cleanup***

June 1997

The Road Map identifies

potential technology options available at each of the basic phases involved in the characterization and cleanup of brownfields sites: site assessment, site investigation, cleanup options, and cleanup design and implementation. The Road Map is not a guidance document. Rather, each section describes the steps involved in the characterization and cleanup of brownfields sites and connects those steps with available technology options and supporting technology information resources. Appendices in the Road Map include a list of common contaminants found at typical brownfields sites, a detailed guide to common environmental terms and acronyms, and a list of state and EPA brownfields contacts.

For further information:

Dan Powell
Technology Innovation Office
(703) 603-9135

To order a hard copy:

For government parties:

National Center for
Environmental Publications and
Information (NCEPI)
U.S. Environmental Protection
Agency
P.O. Box 42419
Cincinnati, OH 45242
Telephone: (513) 489-8190
refer to document number: EPA
542-B-97-002

***Tool Kit of Information
Resources for Brownfields
Investigation and Cleanup***

June 1997

The Tool Kit provides abstracts and access information for a variety of relevant resources, including electronic databases and bulletin boards, newsletters, regulatory and policy guidance, and technical reports. The Tool Kit describes the resources identified in the Road Map, explains how to obtain the publications, and provides a “starter kit” of important information resources to help brownfield stakeholders understand available technology.

For further information:

Dan Powell
Technology Innovation Office
(703) 603-9135

To order a hard copy:

For government parties:

National Center for
Environmental Publications and
Information (NCEPI)
U.S. Environmental Protection
Agency
P.O. Box 42419
Cincinnati, OH 45242
Telephone: (513) 489-8190
refer to document number: EPA
542-B-97-001

consideration, the guidance provides a step-by-step methodology for determining levels of soil contamination. The Soil Screening Guidance can help speed up the investigation and cleanup of contaminated sites, save time and money and make sites available for redevelopment more quickly.

Documents related to the guidance include the Soil Screening Guidance User's Guide, Fact Sheet, and Technical Background Document.

***Soil Screening Guidance:
Fact Sheet***

May 17, 1996

EPA's Soil Screening Guidance helps standardize and accelerate the evaluation and cleanup of contaminated soils at National Priorities List sites where future residential land use is anticipated. To help identify areas at sites on the National Priorities List that need further investigation or that can be screened out from further

For further information:

David Cooper
Office of Emergency and
Remedial Response
(703) 603-9034

***Land Use in the CERCLA
Remedy Selection
Process***

May 1995

EPA's land use directive promotes early discussions with

local land use planning authorities, local officials, and the public regarding reasonably anticipated future uses of the property on which a National Priorities List site is located. The directive also encourages the use of realistic assumptions regarding future land use in the baseline risk assessment the development of remedial alternatives, and the CERCLA remedy selection process.

For further information:

Sherri Clark
Office of Emergency and
Remedial Response
(703) 603-9043

***Presumptive Remedies: Policy
and Procedures***

September 1993

Presumptive remedies are preferred technologies to be used for cleanups at common categories of sites.

EPA's presumptive remedies limit the number of technologies considered for cleanup at similar sites and

result in streamlined site assessments, remedy designs, and accelerated remedy selection decisions which save time and money. Presumptive remedies also promote consistency in remedy design and selection, and improve the predictability of the remedy selection process for communities and potentially responsible parties.

For further information:

Andrea McLaughlin
Office of Emergency and
Remedial Response
(703) 603-8793

***Presumptive Remedy for
CERCLA Municipal Landfill
Sites***

September 1993

This fact sheet establishes containment as the presumptive remedy for CERCLA municipal landfill sites. It also addresses certain streamlining principles related to the planning of remedial investigations/feasibility studies and provides guidance on the level of detail appropriate for risk assessment

***Presumptive Response Strategy
and Ex-Situ Treatment
Technologies for Contaminated
Groundwater at CERCLA Sites***

October 1996

This guidance addresses the importance of using site-specific remedial objectives as the focus of the remedy selection process for contaminated groundwater. Topics addressed include presumptive response strategy for all sites with contaminated groundwater, presumptive technologies for treatment of extracted groundwater, and selection of technologies for the ex-situ treatment component of groundwater remedy.

For further information:

Scott Fredericks
Office of Emergency and
Remedial Response
(703) 603-8771

***Presumptive Remedies: Site
Characterization and
Technology Selection for
CERCLA Sites with Volatile
Organic Compounds in Soil***

January 19, 1993

This fact sheet outlines the presumptive remedies for soils contaminated by volatile organic compounds at CERCLA sites. Charts and matrices are included to explain and compare the various technologies.

For further information:

Scott Fredericks
Office of Emergency and
Remedial Response
(703) 603-8771

Settlement

***Methodology for Early De
Minimis Waste Contributor
Settlements under CERCLA
Section 122(g)(1)(A)***

June 2, 1992

Under CERCLA section 122(g)(1)(A), EPA is authorized to enter into settlements with minor waste contributors (*de minimis* parties) of a site when practicable and in the public interest. This policy provides guidance for early consideration and proposals of such *de minimis* settlements, including the methodology to

facilitate settlement, and procedures for identifying early de minimis candidates. For further information:

Gary Worthman
Office of Site Remediation
Enforcement
(202) 564-4292

***Policy for Municipality and
Municipal Solid Waste
CERCLA Settlements at NPL
Co-Disposal Sites***

February 5, 1998

This policy supplements the Interim Policy on CERCLA Settlements Involving Municipalities and Municipal Waste issued September 30, 1989. Under this policy, EPA continues the practice of generally not identifying generators and transporters of municipal solid waste as potentially responsible parties at National Priorities List sites. The policy identifies a settlement methodology for making settlements to MSW generators and transporters seeking to resolve liability. It also identifies a presumptive settlement range for municipal

owners and operators of co-disposal sites on the National Priorities List seeking to settle their Superfund liability.

For further information:

Leslie Jones
Office of Site Remediation
Enforcement
(202) 564-5123
or
Doug Dixon
Office of Site Remediation
Enforcement
(202) 564-4232

***General Policy on Ability to
Pay Determinations***

September 30, 1997

This policy document explains what is necessary for an acceptable ability to pay (ATP) settlement in Superfund cases, and addresses general issues applicable to both the ATP process and ATP settlements. The guidance sets an “Undue financial hardship” standard and describes a two-part analysis for determining an acceptable ATP settlement amount are addressed.

For further information:

Robert Kenney
Office of Site Remediation
Enforcement
(202) 564-5127

***Fact Sheet: Revised De
Micromis Guidance***

June 4, 1996

This fact sheet describes EPA's efforts in reducing transaction costs for very small volume contributors (de micromis parties). It outlines cut-off ranges to be considered in assessing a party's waste contribution and also discusses additional reference documents which may be of interest to parties who contributed very small amounts of waste to hazardous waste sites.

For further information:

Myron Eng
Office of Site Remediation
Enforcement
(202) 564-2276

Janice Linett
Office of Site Remediation
Enforcement
(202) 564-5131

***Streamlined Approach for
Settlements With De Minimis
Waste Contributors under
CERCLA Section 122(g)(1)(A)***

June 30, 1993

This guidance encourages EPA Regional offices to take a more active role in facilitating *de minimis* settlements by establishing minimum levels of information necessary before considering a *de minimis* settlement, and providing a methodology for payment.

For further information:

Gary Worthman
Office of Site Remediation
Enforcement
(202) 564-4292